

# Arent Fox

**Jeffrey E. Rummel**  
202.715.8479 DIRECT  
202.857.6395 FAX  
rummel.jeffrey@arentfox.com

**Alan G. Fishel**  
202.857.6450 DIRECT  
202.857.6395 FAX  
fishel.alan@arentfox.com

April 1, 2009

## FILED ELECTRONICALLY

Ms. Marlene H. Dortch, Secretary  
Federal Communications Commission  
Office of the Secretary  
445 12th Street, S.W.  
Washington, D.C. 20554

**RE:** Ex Parte Notice, GN Docket No. 09-40, The Commission's Consultative Role in the Broadband Provisions of the Recovery Act

Dear Ms. Dortch:

On behalf of Sunesys, LLC ("Sunesys"), and in accordance with Section 1.1206(b) of the Commission's Rules, 47 C.F.R. §1.1206(b), the undersigned counsel for Sunesys hereby submits the instant notice of *ex parte* presentation.

On behalf of Sunesys, undersigned counsel, as well as Larry Coleman, Paul Bradshaw and Brian Quigley of Sunesys, met with Claude Aiken and Katie King of the Wireline Competition Bureau, Kevin Holmes and Jennifer Salhus of the Wireless Telecommunications Bureau, Krista Witanowski of the Media Bureau, Ron Repasi and Walter Johnson of the Office of Engineering & Technology, and Erika Olsen and Carol Simpson of the Public Safety & Homeland Security Bureau.

At the meeting, Sunesys discussed the following matters:

1. A primary purpose of the BTOP is to stimulate the demand for broadband service. The BTOP repeatedly emphasizes the need to provide education and promote awareness of the tremendous utility of broadband services.
2. A recurring theme throughout the BTOP is to ensure that community anchor institutions, such as schools, libraries, and health care providers have access to broadband services. The BTOP also recognized the importance of improving access to, and use of, broadband by public safety entities.
3. In addition, the BTOP emphasizes the critical need to provide broadband education, awareness, training, access, equipment and support to entities that provide outreach and

equipment to vulnerable populations, including low-income, unemployed and elderly persons.

4. In light of the above premises, the definition of “underserved” should include low-income areas where community anchor institutions are present.
5. Accordingly, the definition of “underserved” areas should include, at a minimum, those school districts eligible for at least an 80% discount under the federal e-rate program.
  - a. Low-income areas with community anchor institutions will clearly be deemed “undeserved” under this definition.
  - b. Such approach would also ensure that most “renewal communities” and “empowerment zones” are included in “underserved” areas.
6. To be considered an eligible entity for funds, an applicant should, at a minimum, be authorized to transact business in the State(s) of the proposed project(s), if applicable, and such entity must be required to propose to deploy a technology neutral, IP-based mode of broadband transmission and comply with the FCC’s 2005 Broadband Policy Statement.

This notice is being electronically filed with the Commission.

Please do not hesitate to contact the undersigned with any questions that may arise with respect to this filing.

Respectfully submitted,



Jeffrey E. Rummel  
Alan G. Fishel

Attorneys for Sunesys, LLC